

Remarks:

These remarks are responsive to the Office action dated January 11, 2007. Prior to entry of this response, claims 1-37 were pending in the application. By way of this response, claims 1, 6, 36 and 37 are amended. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Allowable Subject Matter

Claims 31 and 33-34 are indicated to be allowable if rewritten in independent form. Applicant thanks the Examiner for the indication of allowable subject matter.

Formal Matters

Claim 6 is objected to as insufficient antecedent basis for this limitation in the claim. Claim 6 has been amended. The amended claim 6 replaces "NPC" with "non-player character." Thus, the claimed feature has antecedent basis.

Rejections under 35 U.S.C. § 102**Claim 1-2**

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by the video game Fall Out 2 as evidenced by "Desslock: Fall Out 2: game review" and "www.nma-fallout.com". Applicant traverses the rejection, but nevertheless amends claim 1 in a manner similar to claim 33, which was indicated as allowable if rewritten in independent form. Amended claim 1 recites that "when the emotional state of the non-player character is beyond a predetermined level, the non-player character reaction is selected from the group consisting of a reaction that inhibits the ability of the non-player character to attack or follow commands of the player character, a self destructive act, an act of incapacitation, and a reaction of initiating or cooperating in an attack upon an enemy." Each of these recited non-player character actions has the potential advantage of more

entertaining game play. The recited features enable the user to strategize to best utilize squad members, who could be inhibited from attacking or performing commands, or prone to self-destructive or incapacitative acts, or energized to initiate or cooperate in attacks, due to emotional levels reached in response to game event. This can make the game challenging and enjoyable.

These features are not disclosed in Fall out 2 or any other cited prior art, and lacking these features the prior art is unable to provide the potential advantages of the claimed invention.

Specifically, with regard to the non-player character becoming inhibited in ability to respond to commands, Applicant notes that the Examiner stated as follows regarding claim 33 in the Office action:

Regarding claim 33, the prior art of record does not teach or suggest a "non-player character reaction that includes being unable to perform a command from the player character when the trust state of the non-player character is below a predetermined level".

While claim 33 relates to a trust state, Applicant respectfully submits none of the prior art of record disclose, teach, or suggest being unable to command a non-player character squad member who is inhibited from being commanded when an emotional state goes beyond a predetermined level.

In addition, Applicant submits that the cited prior art also fails to teach any of the remaining recited non-player character reactions, including self-destructive or incapacitative acts, and initiation or cooperation in attacks, when an emotional state of the non-player character is determined to be beyond a predetermined level.

For the reasons stated above, Applicant submits that claim 1, as well as dependent claim 2, are allowable, and the rejection of these claims under 35 U.S.C. 102 should be withdrawn.

Claims 36-37

Claims 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by the video game Fall Out 2 as evidenced by "Desslock: Fall Out 2: game review" and "www.nma-fallout.com". Claims 36 and 37 have been amended consistent with claim 1. Amended claims 36-37 recite that "when the emotional state of the non-player character is beyond a predetermined level, the non-player character reaction is selected from the group consisting of a reaction that inhibits the ability of the non-player character to attack or follow commands of the player character, a self destructive act, an act of incapacitation, and a reaction of initiating or cooperating in an attack upon an enemy." For the reasons discussed above, these features are not disclosed or suggested by cited prior art. Thus, Applicant respectfully requests that the rejection of claims 36-37 based on 35 U.S.C. 102(b) be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fall Out 2 as evidenced by "Desslock: Fall Out 2: game review" and "www.nma-fallout.com". Claims 3-30, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fall Out 2 in view of Shatterfield's Eternal Darkness: Sanity's Requiem Review. All of these claims depend from claim 1, and neither of these references teaches the features added by amendment to claim 1, by which the non-player character may be inhibited in attacking or responding to a command if an emotional state goes beyond a predetermined threshold, prone to an act of self destruction, incapacitated, or prone to initiate or cooperate an attack on an enemy, when the emotional state is determined to be beyond a predetermined level. Therefore, applicant respectfully submits that these claims are allowable and requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

In addition to the distinguishing amendments made to claim 1, claims 3-15, 18-19 includes a feature that the emotional state is a fear state, and claims

18, 20-32, and 34-35 include a feature that the emotional state is a trust state. As admitted by the Examiner, Fall Out 2 and other prior art fail to teach the fear state and the trust state. Nevertheless, the Examiner asserts that it would have been obvious to incorporate any various types of traits such as a fear state or a trust state into "traits" of Fall Out 2. However, the traits in Fall Out 2 include character-based traits such as "fast metabolism", "small frame", "one hander", "skilled", "gifted", etc. (see www.nma-fallout.com, 'traits'), which are physical traits or intelligence as opposed to the emotional based state of "fear state" or "trust state." Further, the emotional state in the game of the present application is configured to directly affect the interactions among the player character and non-player characters so that a response to the player character's command from the non-player characters is not easy to be predicted. On the other hand, physical traits or intelligence of the non-player character in Fall Out 2 appear to facilitate the selection of the non-player characters based on the task to be accomplished. Thus, there is no teaching, suggestion and motivation to combine an emotional state such as the fear state or trust state into the traits of the characters in Fall Out 2. Therefore, claims 3-15, 18-32, and 34-35 should be allowed for this additional reason.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this Response, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

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